

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NSIGHT, INC.,

Plaintiff,

vs.

PEOPLESOFT, INC.,

Defendant.

No. 3:04 CV 3836 MMC (MEJ)

**ORDER DENYING PLAINTIFF'S
REQUEST TO REQUIRE APPEARANCE
AT DEPOSITION WITHOUT SERVICE
OF SUBPOENA**

Before the Court is plaintiff nSight, Inc.'s Motion for Miscellaneous Relief, filed August 9, 2006, 2006. (Doc. #170.) In its motion, nSight's counsel, Naren Chaganti, argues that David Duffield, former chairman of PeopleSoft, rejected service of a subpoena to appear for deposition on August 21, 2006. Mr. Chaganti states that the gated community in which Mr. Duffield resides would not permit a private process server to enter the premises and, when he entered the gated community and attempted personal service by himself, armed guards escorted him off the property. nSight seeks an order compelling Mr. Duffield's appearance or, in the alternative, permitting depositions of other witnesses.

Upon review of nSight's motion, the Court finds that good cause does not exist to grant its request. nSight provides no evidence, such as a declaration from the process server that service cannot be completed, and fails to show that all available means of service are ineffective. Further,

1 nSight fails to show that Mr. Duffield rejected service. Based on defendant Oracle USA, Inc.'s
2 opposition, it is not even clear that Mr. Duffield was in California at the time nSight attempted
3 service. Accordingly, the Court hereby DENIES nSight's motion.

4 **IT IS SO ORDERED.**

5
6 Dated: August 14, 2006



7 MARIA-ELENA JAMES
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28